

REMARKS

Applicant has amended claims 1 - 12 and added new claims 14 - 16. A check in the amount of \$200 is enclosed to cover the fee. The examiner contends that claims 1-12 of the present invention are unpatentable under 35 U.S.C. 102(b) as being anticipated by Bailey (US 3,991,444). Applicant's amended claims are patentable over the prior art. Because the art cited by the examiner fails to anticipate the present invention or render it obvious, the present invention should be allowable. The applicant has also amended the claims to satisfy the examiner's objections under 35 U.S.C. 112.

The examiner contends that the present invention is unpatentable under 35 U.S.C. 102(b) as being anticipated by Bailey. The applicant asserts that there are significant differences between Bailey and the claimed invention and therefore the present invention is not anticipated. The configuration of the rungs in the patent by Bailey is similar to a ladder, where the pawl engages each rung by passing between a gap between two rungs, unlike claims 1-12 of the present invention which have a series of ratchet teeth forming a substantially closed web with a series of saw tooth shaped protrusions. The amended claims are patentable because the patent by Bailey has a locking head which is disposed perpendicular to the elongate strap, unlike the present invention which has a fastener with an aperture which is disposed so that the lower surface of the web contacts the upper surface of the web when one end of the web passes through the fastener.

The prior art does not anticipate the present invention because the configuration of the rungs in the elongate strap of the patent by Bailey is similar to a ladder, where the pawl engages each

rung by passing between a gap between two rungs, unlike the present invention which has an elongated narrow web in which the teeth form a generally solid web with a series of saw tooth shaped protrusions. The applicant directs the examiners attention to column 2 line 68 of the patent by Bailey which states:

“Strap 24 comprises a pair of longitudinally extending side rails 34 joined by a plurality of spaced rings 36 engagable with pawl 32. Locking pawl 32 includes a nose 38 for engaging a predetermined rung thereby to hold strap 24 after it has been threaded through the head aperture 30 when strap withdrawal forces are applied.”

The present invention claims the use of a elongated narrow web with a plurality of spaced apart ratchet teeth. The plurality of spaced apart ratchet teeth are different from the side rails and rungs of the patent by Bailey because instead of engaging a hole between two rungs like the pawl of the patent by Bailey the pawl of the present invention receives the shoulder side of a ratchet tooth. Because the present invention has an elongated narrow web in which the teeth form a generally solid web unlike the patent by Bailey which has an elongate strap which has a series rungs which form holes which engage a nose (38) the present invention is not anticipated by the patent by Bailey.

The prior art does not anticipate the present invention because the patent by Bailey has locking head which is disposed perpendicular to the elongate strap, unlike the present invention which has a fastener with an aperture that receives an end of the web such that the bottom surface of the web contacts the top surface. The applicant directs the examiner's attention to column 3 line 28 which states:

“... as shown in FIG. 2, the release arm in its as-molded position extends generally perpendicularly to the longitudinal direction of the strap 24. ”

The present invention has a fastener with an aperture which is parallel to the elongated narrow

web, when the present invention is being used the elongated web will be fed through the aperture, the ratchet teeth on the elongated narrow web will engage the pawl and the elongated narrow web will emerge from the fastener in a direction that is clearly not perpendicular to the longitudinal direction of the strap. This is unlike the patent by Bailey because in Bailey once the elongated strap emerges from the locking head it will be in a position perpendicular to itself because the release arm as molded is perpendicular to the longitudinal direction of the strap. Because the present invention uses a fastener with an aperture which is disposed generally parallel to the elongated narrow web unlike the patent by Bailey the present invention is not anticipated by the patent by Bailey.

Concerning claims 2 and 8: The applicant has amended the claims to differentiate the present invention from the patent by Bailey. In the patent by Bailey the purpose of the holes between spaced rungs 36 and 34 is to provide a point for the pawl to interlace, the purpose of the holes in the web of the present invention is to provide a mounting point so that a nail, screw or some object other than the pawl can be threaded through the web.

Concerning claim 3: The applicant has amended the claim to differentiate the present invention from the patent taught by Bailey. The patent taught by Bailey has a strap which is made up of two parallel side rails which are joined by a plurality of spaced rungs, unlike the present invention which has a solid web which has a plurality of ratchet teeth which are protrusions from the surface of the web. While the rungs of the patent by Bailey may be considered transverse to the side rails, the rungs are structurally dissimilar to the ratchet teeth of the present invention.

Concerning claim 9: The applicant has amended the claim to differentiate the present invention from the patent by Bailey. The patent taught by Bailey discloses a strap fastener mechanism which has a fastening mechanism which is perpendicular to the elongate strap. The present invention claims a strap fastener which has a top wall which is disposed parallel to the elongated narrow web strap, thus the strap fastener of the present invention is parallel to the elongate strap.

Concerning claim 10: The applicant has amended the claim to differentiate the present invention from the patent by Bailey. The patent taught by Bailey discloses a strap fastener mechanism which has an aperture which is perpendicular to the elongate strap, thus when the elongate strap is fed through the fastener mechanism the cable tie forms a shape similar to a the letter 'b'. The present invention has a strap fastener mechanism which has an aperture which is parallel to the web so when the web is fed through the aperture of the fastener mechanism so the resulting shape is similar to a circle because the second end of the web exits the aperture parallel to the first end of the web as opposed to at a right angle.

Concerning claim 11: The applicant has amended the claim to differentiate the present invention from the patent by Bailey. The patent taught by Bailey discloses a flexible tongue which the pawl is disposed on which must be small enough to engage the space between the rungs on the strap, therefore the flexible tongue and the strap cannot be wider than the space between the side rails of the strap. The present invention differs from the patent by Baily because the pawl of the present invention is substantially the same width as the web, therefore the tongue of the present invention is substantially the same width of the pawl because the tongue supports the pawl.

Concerning new independent claim 14: The applicant has added new independent claim 14 to further differentiate the present invention from the patent by bailey. The patent taught by Bailey discloses a strap which comprises a pair of longitudinally extending side rails joined by a plurality of spaced rungs engageable with a pawl. In the applicants present invention the tie strap is comprised of an elongated narrow web with first and second ends, each end having a first and second edge respectively. The Bailey patent does it teach or suggest the use of a web.

In addition, the patent taught by Bailey has a locking head with an aperture to secure one of the ends of the strap. The aperture of the locking head in Bailey is perpendicular to the surface of the strap. Whereas in the applicants present invention the aperture of the fastener is attached to the first end of the strap and is parallel the surface of the strap. In the Bailey patent the locking head of the strap holds te threaded strap portion via a locking pawl. The locking pawl in the Bailey patent engages a predetermined rung thereby to hold the strap after it has been threaded through. The nose of the pawl is parallel to the top surface of the strap. Whereas in the applicants present invention, the pawl of the fastener engages one of a plurality of teeth so as to prevent the withdrawal of the web from the fastener. The engagement between the pawl and the teeth are directed orthogonally to the top surface of the web.

New independent claim 14 is still further patentable over Bailey, because in Bailey the rungs on the strap are similar to a ladder, whereas in the applicants present invention the web has a plurality of teeth having a base and an upper tooth surface forming an acute angle with the base.

New independent claim 14 of the applicants present invention is still further patentable of Bailey because in Bailey the release arm comprises a relatively rigid lever and a relatively flexible hinge. In the applicant present invention, the release tab has two generally upstanding

walls, used for squeezing between the thumb and forefinger, in Bailey one would have to use his or her fingernail to release the strap.

Concerning new dependent claim 15: The applicant present invention is patentable over Bailey because Bailey does not teach or suggest having a plurality of spaced apart holes on the tie strap, having a diameter at least smaller than one half the width of the pawl.

Concerning new dependent claim 16: The applicants present invention is still further patentable over Bailey, because Bailey does not teach or suggest a strap with a plurality of spaced apart ratchet teeth having a base, a body portion and an upper tooth surface forming acute angles with the base. In Bailey the strap is comprised of ladder like rungs of generally circular shape.

Concerning new dependent claim 17: The applicants present invention is still further patentable over Bailey because the teeth of the tie strap located in the web have a shoulder side and a ramp side wherein the shoulder side is generally orthogonal to the web and faces the fastener, while the sloped ramp portion faces the second end. As mentioned previously Bailey does not teach or suggest a toothed web. In Bailey the strap has side rails separated by longitudinal rungs.

CONCLUSION

For the foregoing reasons, applicant's claims are patentable over the cited prior art and the application should be in condition for allowance.

Respectfully submitted,

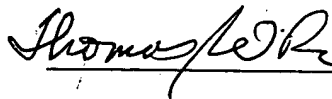


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CERTIFICATE OF MAILING

I hereby certify that the foregoing Response was mailed by first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents

P.O. Box 1450 Alexandria, VA 22313-1450 on this 28 day of October 2005.



Thomas A. O'Rourke